UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,486	01/29/2004	Tyrone D. Bekiares	CM06716H	5032

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EXAMINER
CHEA, PHILIP J

ART UNIT	PAPER NUMBER
2153	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Summary	10/767,486	BEKIARES ET AL.
	Examiner	Art Unit	
	Philip J. Chea	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>29 January 2004</u>.

2a)☐ This action is **FINAL**.　　　2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>23 July 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date <u>3/9/06</u>.

4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

Claims 1-20 have been examined.

Information Disclosure Statement

1.   The information disclosure statement (IDS) submitted on March 9, 2006 is in compliance with the

provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the

examiner.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for

the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public
> use or on sale in this country, more than one year prior to the date of application for patent in the United
> States.

3.   Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Huang (US 6,212,562).

As per claims 1,18,20, Huang discloses a method for use by middleware in a communication

system comprising the steps of:

enabling a group of behavior sets for use by said middleware (see column 4, lines 40-56);

operating in accordance with a first behavior set from said group (see column 4, lines 40-56);

receiving at least one trigger (see column 5, lines 4-33);

selecting a second behavior set from said group based upon said at least one trigger (see

column 6, lines 26-57); and

operating in accordance with said second behavior set (see column 6, lines 26-57).

As per claim 2, Huang further discloses notifying a second middleware of the selecting of said

behavior set (see column 6, lines 26-57).

As per claim 3, Huang further discloses the at least one trigger is at least one of:

a light bar activation;

a light bar deactivation;

a change in the time of day;

the speed of a vehicle;

location information;

an emergency bar activation;

an emergency bar deactivation;

an emergency button activation;

an emergency button deactivation;

a siren activation;

a siren deactivation;

a dispatch warning; and

a change in behavior set of a second middleware (see column 5, lines 60-67).

As per claim 4, Huang further discloses that the middleware is a middleware client (see column 5, lines 60-67).

As per claim 5, Huang further discloses that the middleware is a middleware server (see column 5, lines 44-59).

As per claim 6, Huang further discloses implementing a set of routing rules and Quality of Service determined as a function of said second behavior set (see column 6, lines 26-57).

As per claim 7, Huang further discloses that the first behavior set is a default behavior set (see column 5, lines 4-8).

As per claim 8, Huang further discloses that the at least one trigger is at least one of a remote trigger and an external trigger (see column 9, lines 2-19).

As per claim 9, Huang further discloses examining state information and wherein said second behavior set is selected based upon said state information (see column 6, lines 26-57).

As per claim 10, Huang further discloses that the second behavior set is selected based upon a determination of a first condition (see column 4, lines 40-56).

As per claim 11, Huang further discloses that the first condition is a state of mission criticality (see column 4, lines 40-56).

As per claim 12, Huang further discloses that determination of said first condition is made external to said middleware and communicated to said middleware via said at least one trigger (see column 9, lines 2-19).

As per claim 13, Huang further discloses that determination of said first condition is made by a second middleware (see column 6, lines 26-47).

As per claim 14, Huang further discloses that determination of said first condition is made manually (see column 9, lines 60-67);

As per claim 15, Huang further discloses that determination of said first condition is internal to said middleware based on said at least one trigger (see column 4, lines 40-56).

As per claim 16, Huang further discloses that at least one of the behavior sets in said group is predefined (see column 5, lines 4-8).

As per claim 17, Huang further discloses that at least one of the behavior sets in said group is dynamically determined (see column 10, lines 5-36).

As per claim 19, Huang further discloses Middleware for mediating between at least one application and at least one communication network transport, said middleware comprising:

an application interface (see column 4, lines 40-56);

a network interface (see column 5, lines 44-59);

a group of behavior sets (see column 4, lines 40-56); and

a behavior set selection function operative for causing said middleware to operate in accordance with a first behavior set from said group (see column 4, lines 40-56); receiving at least one trigger (see column 5, lines 4-33); selecting a second behavior set from said group based upon said at least one trigger (see column 6, lines 26-47); and causing said middleware to operate in accordance with said second behavior set (see column 6, lines 26-46).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J. Chea whose telephone number is 571-272-3951. The examiner can normally be reached on M-F 6:30-4:00 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Philip J Chea
Examiner
Art Unit 2153

PJC 12/20/06

RUPAL DHARIA
SUPERVISORY PATENT EXAMINER